REMARKS

Claims 1-2, 4-10, 31-33, and 35-39 are pending.

Claims 3, 11-30, and 34 have been cancelled.

Claims 40-45 have been added.

In the Final Rejection dated June 17, 2009, claim 6 was objected to; claims 3 and 31 were rejected under 35 U.S.C. § 112, ¶ 1; and claims 1-10, and 31-39 were rejected under 35 U.S.C. § 102(b) as anticipated by Applying Boosting Techniques to Genetic Programming (Paris).

CLAIM OBJECTION

Claim 6 was objected to as depending on claim 8, which the Office Action stated was not a preceding claim. As support for the objection, the Office Action referred to M.P.E.P. § 608.01(n), subsection B (titled "Unacceptable Multiple Dependent Claim Wording"). It is unclear why the objection is based on a section of the M.P.E.P. related to multiple dependent claims. Claim 6 is clearly not a multiple dependent claim, as claim 6 depends only from claim 8.

It is clear that claim 6 is a proper dependent claim, since it depends from claim 8 (and thus includes the elements of claim 8, which in turn depends from claim 1).

At the time of allowance, the Examiner can simply renumber claims 6 and 7 to be after claim 8 (note that Applicant is prohibited from renumbering claims during prosecution).

Therefore, withdrawal of the objection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 112, ¶ 1

Claims 3 and 31 were rejected as purportedly failing to comply with the written description requirement. Applicant respectfully disagrees with this assertion.

Although claim 3 has been cancelled, it is noted that the subject matter of former claim 3 was in fact supported by the specification of the present application as originally filed. For example, support can be found on page 7, at lines 3-11, where the credibility rating CR_f of a candidate solution for a particular training case f is calculated, in one example, as being an average error of the candidate solution produced when operating on one or more training cases **excluding the particular training case**.

Support for claim 31 can be found at least in the following passage of the specification of the originally filed application: page 6, line 28 – page 7, line 2. As explained in this passage of the specification, a performance measure for a particular training case f is calculated based on the deviation between the candidate solution output and the target output of the particular training case. In other words, in this embodiment described on pages 6 and 7 of the specification, the performance measure of the particular training case f is computed without including training cases in the set of the training cases other than the particular training case f.

In view of the foregoing, withdrawal of the § 112, ¶ 1, rejections is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Independent claim 1 has been amended to recite that determining the credibility rating of the candidate solution with respect to the particular training case is based on inputs that exclude the performance measure of the candidate solution operating on the particular training case. Support for this amendment can be found at least in the following passages of the specification: page 7, line 3 – page 8, line 20; page 9, lines 5-10. Similar support exists for the amendments of independent claim 32.

Support for newly added dependent claims 40-43 can be found on page 7, at lines 12-18.

It is respectfully submitted that claim 1 is not anticipated by Paris. In the rejection of claim 1, the Office Action asserted that the following function in Table 5 of Paris constitutes the "performance measure" of claim 1: $\left| f_t(x_i) - y_i \right|$. The Office Action also stated that the following parameter in Table 5 of Paris constitutes the "credibility rating" of claim 1:

$$L_i = \frac{\left| f_t(x_i) - y_i \right|}{\max_{i=1...m} \left| f_i(x_i) - y_i \right|}.$$ According to the pseudocode in Table 5 of Paris, the loss (L_i) is

computed based on inputs that **include** (rather than **exclude**) the measure $\left| f_t(x_i) - y_i \right|$. Therefore, it is clear that Paris fails to disclose determining the credibility rating of the candidate solution with respect to the particular training case based on inputs that **exclude** the performance measure of the candidate solution operating on the particular training case.

In view of the foregoing, it is respectfully submitted that claim 1 is clearly not anticipated by Paris.

Independent claim 32 is similarly allowable over Paris.

Dependent claims, including newly added dependent claims 40-45, are allowable for at least the same reasons as corresponding independent claims.

Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (200207642-1).

Respectfully submitted,

Date: <u>September 17, 2009</u>   <u>   /Dan C. Hu/   </u>
Dan C. Hu
Registration No. 40,025
TROP, PRUNER & HU, P.C.
1616 South Voss Road, Suite 750
Houston, TX 77057-2631
Telephone: (713) 468-8880
Facsimile: (713) 468-8883